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India

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2010

November 17, 2010

The constitution provides for freedom of religion; however, some state-level laws and policies restricted this freedom.

The national government generally respected, provided incentives for, and intervened to protect religious freedom; however, some state and local governments imposed limits on this freedom. There was no change in the status of respect for religious freedom by the government during the reporting period.

The country is the birthplace of several religions, Hinduism, Buddhism, Jainism, and Sikhism, and home for more than a thousand years of Jewish, Zoroastrian, Muslim, and Christian communities. The vast majority of citizens of all religious groups lived in peaceful coexistence and were conscious of religious freedom and minority rights; however, there were some instances of religious violence between religious groups and organized communal attacks against religious minorities during the reporting period. The Ministry of Home Affairs published in its Annual Report 2009-10 that 826 communal incidents occurred in 2009, in which 125 persons died, compared to 943 incidents in 2008 in which 167 persons died. State governments also reported communal incidents. The country's democratic system, open society, independent legal institutions, vibrant civil society, and free press actively provided mechanisms to address violations of religious freedom when they occurred.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. During meetings with senior government officials, including the country's senior leadership as well as state and local officials, and religious community leaders, senior U.S. officials discussed reports of harassment of minorities groups and missionaries, the 2002 communal riots in Gujarat, and the 2008 violence against Christians in Orissa and Karnataka.

Section I. Religious Demography

According to the 2001 census, the country has an area of 1.3 million square miles and a population of 1.15 billion. Hindus constitute 80.5 percent of the population, Muslims 13.4 percent, Christians 2.3 percent, and Sikhs 1.9 percent. Groups that constitute less than 1.1 percent of the population include Buddhists, Jains, Parsis (Zoroastrians), Jews, and Baha'is. Slightly more than 85 percent of Muslims are Sunni; the rest are Shi'a. Tribal groups (indigenous groups historically outside the caste system), which are generally included among Hindus in government statistics often practice traditional indigenous religious beliefs (animism).

There are large Muslim populations in the states of Uttar Pradesh (UP), Bihar, Maharashtra, West Bengal, Andhra Pradesh, Karnataka, and Kerala; Muslims are the majority in Jammu and Kashmir. Although Muslims are a minority, the country has the world's second-largest Muslim population. Christian populations are found across the country but in greater concentrations in the northeast, as well as in the southern states of Kerala, Tamil Nadu, and Goa. Three small northeastern states (Nagaland, Mizoram, and Meghalaya) have large Christian majorities. Sikhs are a majority in the state of Punjab.

Approximately 200 million persons, or 17 percent of the population, belong to the Scheduled Castes (SC), also known as Dalits and Scheduled Tribes (ST). Some converted from Hinduism to other religions, ostensibly to escape discrimination since many SC and ST members continued to face impediments to social advancement. Discrimination based on caste was officially illegal but remained prevalent, especially in rural areas. Some who converted from a desire to escape discrimination and violence encountered hostility and backlash from upper castes.

Under the 1992 National Commission for Minorities Act, five religious communities--Muslims, Sikhs, Christians, Parsis, and Buddhists--were considered minority communities.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The secular constitution provides for freedom of religion as a fundamental right, and other laws and policies contributed to the generally free practice of religion. Some state and local governments, which hold responsibility under the constitution for law and order, limited this freedom by maintaining or enforcing existing "anticonversion" legislation and by not efficiently or effectively prosecuting those who attacked religious minorities. Despite strong official legal protections for minorities, weak law enforcement, a lack of trained police, and an overburdened court system played a role in exacerbating communal tensions.

The national government, led by the United Progressive Alliance (UPA), continued to implement an inclusive and secular platform that included respect for the right to religious freedom. Despite the national government's rejection of Hindutva (Hindu nationalism), a few state and local governments continued to be influenced by Hindutva.

The law generally provided remedy for violations of religious freedom, however, due to a lack of sufficient trained police and corruption, the law was not always enforced rigorously or effectively in some cases pertaining to religiously oriented violence. Legal protections existed to cover discrimination or persecution by private actors.

The country's political system is federal and gives state governments primary jurisdiction over law enforcement and the maintenance of order, which limited the national government's capacity to deal directly with state level abuses, including abuses of religious freedom. The national law enforcement agency, the Central Bureau of Investigation (CBI), cannot investigate a crime committed in a state without the state government's permission; however, in some instances, the national government's law enforcement authorities have intervened to maintain order when state governments were reluctant or unwilling to do so.

The Ministry for Minority Affairs, the National Human Rights Commission (NHRC), and the National Commission for Minorities (NCM) are governmental bodies created to investigate allegations of religious and other forms of discrimination and make recommendations for redress to the relevant local or national government authorities. Although NHRC recommendations do not have the force of law, central and local authorities generally followed them. The NCM and NHRC intervened in several instances of communal tension; the enactment of "anticonversion" legislation in several states; and incidents of harassment and violence against minorities. Such intervention included high profile cases, such as the 2002

anti-Muslim violence in Gujarat and the 2008 attacks against Christians in Orissa. The national government earmarked \$552 million (approximately 26 billion Rupees) for 2010-11--an increase of 50 percent from the prior year--for the Ministry of Minority Affairs.

On December 9, 2009, the Ministry of Minority Affairs informed the parliament that the NCM had received 2,250 complaints in 2008-09. The Muslim community submitted the most complaints.

Despite government efforts to foster communal harmony, some extremists continued to view ineffective investigation and prosecution of attacks on religious minorities as a signal that they could commit such violence with impunity, although numerous cases were in the courts at the end of the reporting period.

The government introduced the Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill in the Rajya Sabha, the upper house of parliament, in 2005. A parliamentary standing committee rejected the bill and called for a new law that provided for speedy prosecution; strict punishment for perpetrators of sectarian violence; and quick justice, relief, rehabilitation, and compensation for victims and survivors.

The country established a National Commission for Minority Education Institutions that was empowered to resolve disputes and investigate complaints regarding violations of minority rights, including the right to establish and administer educational institutions.

Federal and state laws that related to religion included the 1976 Foreign Contribution Regulation Act (FCRA), several state level "anticonversion" laws, the Andhra Pradesh antipropagation law, the 1967 Unlawful Activities Prevention Act, the 1988 Religious Institutions (Prevention of Misuse) Act, the 1946 Foreigners Act, and the 1869 Indian Divorce Act.

The FCRA regulates foreign contributions to nongovernmental organizations (NGOs), including faith-based NGOs. Some organizations complained that the FCRA prevented them from properly financing humanitarian and educational activities.

There are active "anticonversion" laws in six of the 28 states: Gujarat, Orissa, Chhattisgarh, Arunachal Pradesh, Madhya Pradesh, and Himachal Pradesh. In August 2009 the regulations needed for enforcement of the Arunachal Pradesh's laws were adopted. Gujarat has a Freedom of Religion Act (2003) and Rules (2008) which proscribed religious conversions by means of allurement, force, or fraud. At the end of the reporting period, no court date had been set for the challenge by civic groups of the constitutional validity of the 2003 act and 2008 rules. There were reports of arrests but no convictions under these laws during the reporting period.

Local authorities on occasion relied upon certain sections of the Indian Penal Code (IPC), which in general emphasize preserving social harmony rather than individual freedoms, to arrest persons engaged in religious activities. For example, IPC section 153A prohibits "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, and doing acts prejudicial to maintenance of harmony." IPC section 295A prohibits "deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs."

Himachal Pradesh's state assembly passed the Freedom of Religion Act in 2006, and the governor signed it into law in 2007. The law states, "No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion." There were no reports of prosecutions under this law during the reporting period. The law stipulated punishment of up to two years' imprisonment and/or a fine of \$625 (25,000 Rupees) and increased penalties if SC/ST members or minors are involved. The law also requires a Notice of Intention to be filed 30 days' before any act of conversion, except for acts of reconversion.

Under legal provisions in the states of Chhattisgarh and Madhya Pradesh (MP), it was prohibited "to convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use force or by allurement." Since 2007 state governments have proposed changes to the law that would require notification prior to any act of conversion. The national government had not approved the amendments at the end of the reporting period.

The 1967 Orissa Freedom of Religion Act states, "No person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by inducement or by any fraudulent means nor shall any person abet any such conversion." Penalties for breaking the law included imprisonment, a fine, or both, and are harsher if the offense involved minors, women, or an SC/ST member. The law also required that district magistrates maintain a list of religious organizations and individuals propagating religious beliefs, that individuals provide notification prior to conversion, and that clergy declare the intent to officiate in a conversion ceremony. There were no reports of district magistrates denying permission for religious conversions or of convictions under the act during the reporting period.

The 1967 Unlawful Activities Prevention Act empowered the government to ban religious organizations that provoked intercommunity friction, have been involved in terrorism or sedition, or violated the 1976 FCRA.

There were no requirements for religious groups to be licensed; however, the government prohibited foreign missionaries of any religious group from entering the country without prior clearance and usually expelled those who performed missionary work without the correct visa. There was no national law barring a citizen or foreigner from professing or propagating religious beliefs.

The country's law has several sections which prohibited hate speech and provided penalties for illustrations, speech, or writings that insult the religion or religious beliefs of any regional group, caste, or community.

In 2007 Andhra Pradesh enacted the Propagation of Other Religions in the Places of Worship or Prayer (Prohibition) Law. Thus far the state has identified only Hindu religious sites for this protection. Punishment for violations of the act can include imprisonment up to three years and fines up to \$125 (5,312 Rupees). To date there have been no prosecutions under the act. A fact finding team from the NCM found that the prohibition was not in line with the constitution's protections of freedom of religion, adding that the IPC had provisions sufficient to deal with offenses committed in places of worship.

The states of Madhya Pradesh, Rajasthan, Uttar Pradesh, and West Bengal have laws regulating the construction of public religious buildings and the use of public places for religious purposes.

The 1989 Scheduled Castes (SC) and Scheduled Tribes (ST) (Prevention of Atrocities) Act listed offenses, including those pertaining to religious duties and practices, against disadvantaged persons and provided for steep penalties for offenders.

Article 17 of the constitution outlawed untouchability; however, many members of lower castes remained in a disadvantageous position, particularly in rural areas. The government continued to implement an elaborate affirmative action system that reserved government jobs and places in higher education institutions for SC/ST members belonging to the Hindu, Sikh, and Buddhist religious groups, but not for Christians or Muslims.

There were no updates on a court case filed by Christian groups demanding that SC converts to Christianity and Islam enjoy the same access to reservations as other SCs. The case was appealed to the Supreme Court, which had not ruled by the end of the reporting period.

Under article 25 of the constitution Sikhism, Jainism, and Buddhism are considered sects of Hinduism; however, these groups viewed themselves as unique and sought to introduce their own separate personal laws. Sikhs sought a separately codified body of law that recognizes their uniqueness and precludes ambiguity. The 1992 NCM Act identified Buddhism as

a separate religion. The Supreme Court rejected the inclusion of Jainism under the act, stating that the practice of adding new religious groups as minorities should be discouraged. In June 2008 the Delhi government decided to accord minority status to the Jain community. Jains have also been accorded this status in the states of Maharashtra, Karnataka, Madhya Pradesh, Uttaranchal, Rajasthan, Jharkhand, Chhattisgarh, Uttar Pradesh, and West Bengal. According to press reports, state governments have the power to grant minority status to religious groups designated as minorities under the 1992 act, but not all states have officially done so. The states of Andhra Pradesh and Karnataka recognized Sikhs as minorities.

There were different personal laws for the various religious communities in matters of marriage, divorce, adoption, and inheritance. The government granted a significant amount of autonomy to personal status law boards in crafting these laws. There was Hindu law, Christian law, Parsi law, and Islamic law; all were legally recognized and judicially enforceable. None were exempt from national and state level legislative powers or social reform obligations as laid down in the constitution.

In 2007 under the 2006 Juvenile Justice (Care and Protection of Children) Amendment Act, the government provided clearance for members of all religious groups to legally adopt children.

The government observes the following religious holidays as national holidays: Good Friday and Christmas (Christian); the two Eids (Islamic); Lord Buddha's Birthday (Buddhist); Guru Nanak's Birthday (Sikh); Dussehra, Diwali, and Holi (Hindu); and the Birthday of Lord Mahavir (Jain).

The government permitted private religious schools, but did not permit religious instruction in government schools. The government may prescribe merit-based admission for religious colleges that receive public funding. Other religious schools may use their own criteria, including religious affiliation.

On September 5, 2009, a group of religious organizations in Madhya Pradesh filed a petition in the high court against a 2007 state law that mandated the recitation of Hindu prayers before the mid-day meal in schools, because they believed compulsory recitation infringed the religious freedom of minorities in the state.

On September 1, 2009, the Madhya Pradesh high court directed the state government not to force students to participate in Hindu prayers as part of their extracurricular activities.

There were approximately 30,000 madrassahs (Islamic schools) providing full or part-time education. Most did not accept government aid, alleging that it would subject them to government influence. Educational institutions given "minority status" by the government were not eligible for government aid. The National Sample Survey Organization report released on May 19 concluded the proportion of Muslims enrolled in the formal education system was the lowest of all communities, including the STs.

Restrictions on Religious Freedom

The national government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

On February 5, 2010, the government renewed the ban on the Students Islamic Movement of India (SIMI) under the Unlawful Activities (Prevention) Act. In August, the Delhi High Court tribunal, created to examine the validity of the ban, upheld the central government's decision to extend the ban.

The government maintained a list of banned books that may not be imported or sold in the country because they contained material that government censors deemed inflammatory and apt to provoke communal or religious tensions. On August 16, 2009, the state of Punjab banned a textbook, *Parag*, which allegedly carried some objectionable remarks against Maharishi Valmiki, author of the Hindu epic *The Ramayana*. On April 17, 2010, the Supreme Court upheld a 2007

Maharashtra ban on *A Concept of Political World Invasion by Muslims*, basing its decision on maintaining societal peace. On February 22 authorities in Meghalaya, where more than 70 percent of the state's population is Christian, confiscated primary school textbooks which carried a picture of Jesus Christ holding a can of beer and a cigarette. Skyline publications, based in New Delhi, apologized but offered no explanation. Bans imposed during previous reporting periods remained in effect during this period.

The Bharatiya Janata Party (BJP), the Rashtriya Swayamsevak Sangh (RSS), and other affiliated organizations (collectively known as the Sangh Parivar) publicly claimed to respect and tolerate other religious groups; however, the RSS opposed coerced conversions from Hinduism and expressed the view that all citizens, regardless of their religious affiliation, should adhere to Hindu cultural values, which they claimed were the country's values. The BJP did not actively push for the enactment of anticonversion laws in all states, the construction of a Hindu temple on the disputed Ayodhya site, or the enactment of a uniform civil code during the reporting period.

Abuses of Religious Freedom

While there were no reports accusing the national government of committing abuses of religious freedom, human rights activists criticized it for alleged inaction regarding abuses committed by state and local authorities and private citizens. Law enforcement and prosecution continued to be weak. This shortcoming was exacerbated by a low police to population ratio, corruption, and an overburdened and antiquated court system.

There were cases of communal attacks on religious minorities and their property, and allegations of police brutality. In several instances those attacked were reportedly arrested.

On April 29, 2010, a pastor was attacked in Mahaboobnagar district, Andhra Pradesh, for alleged conversion activities. According to the All India Christian Council, a group belonging to the RSS was behind the attack.

Christian groups in Karnataka alleged that local police harassed pastors and parishioners at the instigation of Hindu extremist groups. On April 5, 2010, 12 pastors from the Village Ministry, which worked among indigenous persons in the Kodagu district of southern Karnataka, were arrested on charges of luring local persons to convert. The arrest was made based on a complaint filed by local RSS members. The 12 pastors were released on April 12, after the Village Ministry provided bail of \$2,000 (92,000 Rupees) per pastor. At the end of the reporting period, the case was pending in court.

On March 22 the Golagam village president, Ramu Naidu, assaulted Pastor Nireekshana Rao and his wife Mani for their conversion activities in Visakhapatnam, Andhra Pradesh. The police did not file a case against the attacker during the reporting period.

On March 21 according to a press report, extremists from the Vishwa Hindu Parishad, or World Hindu Council, attacked the Christian Personality Development Center for Youth in Durg, Chhattisgarh. Extremists carrying the national flag entered the center, attacked the students and teachers, and burned Bibles and Gospel literature. Police later briefly detained three Christians at the center after Hindu extremists accused them of "insulting the national flag," before releasing them on bail. No reported action was taken against the vandals.

On March 21 Bajrang Dal extremists disrupted prayer meetings in two churches in Raipur, Chhattisgarh and destroyed Bibles and other Christian literature. There were no arrests of the attackers during the reporting period.

The Jehovah's Witnesses reported that on January 17, 2010, in Nanganallur, Chennai, Witnesses inadvertently parked their bikes in front of a BJP leader's home. When the BJP leader arrived, he verbally abused two female Witnesses, who immediately left the area. When the male Witnesses returned to retrieve their bikes, the BJP leader and another man

assaulted the Witnesses and verbally abused them. The Witnesses required medical attention as a result of the beating. The Witnesses filed a First Information Report (FIR), and the BJP leader filed a counter complaint.

On January 6, 2010, six Muslim women from Godhra, Gujarat, wrote to the chief justice of the Gujarat High Court requesting him to take up the case of alleged physical and sexual assault by the Godhra police on December 19, 2009, during a police operation in the Muslim sections of the city in the wake of rioting and a stone-throwing incident. The Godhra superintendent of police said the allegations were fabricated to prevent the police from entering the area, "which is a known hub of illegal animal slaughter." Given that the local police refused to investigate the case, the women stated that their only recourse was to take the case to the Gujarat High Court.

There were no updates available about the 2008 clash between Hindus and Muslims in Digras and Pusad in eastern Maharashtra where two persons died from police fire.

There were reports from some faith-based media of approximately 18 arrests under state level "anticonversion" laws and other restrictive laws in Chhattisgarh and Madhya Pradesh during the reporting period. Christian Solidarity Worldwide (CSW) reported over 50 incidents during the reporting period in which Christians were falsely accused of forcible conversions, often beaten, and arrested by police.

CSW reported that on May 12, 2010, over 20 Hindu extremists forcibly entered a prayer meeting and accused Pastors KK Ramesh and PS Anjaneya of forcible conversions. The extremists attacked the Christian pastors and three other men. The police arrested the five victims, who were later released without being charged. The assailants were not arrested.

On April 15 four Christians were arrested in Bhilai, Chhattisgarh and charged with violating the 1968 Chhattisgarh Freedom of Religion Act (anticonversion law). Activists from the Bajrang Dal and Dharam Sena (Religious Army) reportedly attacked the Christians while they were distributing religious materials. The Christians were released on bail on April 22.

On April 4 police arrested three Christians based on a complaint of forceful conversion by Hindu extremists in Durg city of Chhattisgarh. The Christians were released on bail on April 6.

Jehovah's Witnesses reported that on March 11, 2010, three female Witnesses were accused by four men of converting Hindus in Karwar by offering them money. The men called the police and the media and soon a mob of approximately 80 persons gathered. The police confiscated their publications and took the women to the police station, while the mob continued to abuse them verbally. The women were charged with maliciously insulting the religion or religious beliefs of any class and with house trespass; the police refused to file a counter complaint from the Witnesses.

On January 23 according to a faith-based media outlet, Hindu extremists stopped a religious service of the Central India Christian Mission in Shahdol, Madhya Pradesh. The attackers allegedly forced 35 church members to testify falsely against the pastor conducting the meeting. Under pressure the Christians gave a written statement that the pastor converted them to Christianity by offering them \$108 (5,000 Rupees) each, and that he also forced them to eat beef. Police summoned the pastor, and detained and questioned him for two hours. The local inspector reportedly asked the pastor for a bribe of \$2,200 (100,000 Rupees) for not arresting or beating him, which was paid by local Christians. When Christian activists raised the case to higher authorities, the chief minister ordered the police to drop all charges against the pastor.

On January 22 approximately 60 Hindu extremists attacked a prayer meeting in Sindhu Bhawan, Chhattisgarh, and accused Christians of forcefully carrying out conversions. Police arrested eight Christians but released them on bail six days later.

CSW reported that on December 14, 2009, a group of Hindu extremists forcibly entered the house of Pastor H. T. Manjunath and his wife and physically assaulted them. The pastor sought to file a report against the extremists, but the police filed one against him and detained him in Nagar prison. The pastor's wife was denied medical attention and sent to prison. On December 17 the Global Council of Indian Christians secured their release from prison.

On October 7, 2009, police in Indore, Madhya Pradesh, arrested pastor Sunny John on charges of converting young children in the three schools he operated, based on allegations of members of the Dharma Raksha Samiti. The pastor was released on bail after nearly a week, due to the efforts of Madhya Pradesh Christian Federation.

Jehovah's Witnesses reported that on July 18, 2009, four male Witnesses at Bangalore University were speaking to a lady who expressed interest in the Bible when her son appeared and accused the Witnesses of conversion. The son and another family member verbally and physically abused the Witnesses. A mob gathered and the police arrived; they took the Witnesses to the police station, where they were held for three days until bail was posted. The police did not prevent the mob from abusing the Witnesses and filed a FIR against the Witnesses.

The All India Christian Council noted several violations of religious freedom during the previous reporting period. On March 11, 2009, a group of 30 to 40 persons attacked Pastor Erra Krupanandam of Bethel Church. He suffered permanent spinal injuries. The pastor filed a case with police, who arrested one person, and the case is pending. On January 16, 2009, Hindu extremists attacked Pastor Yakobu in his home in Karimnagar District. The attackers fled, and a complaint was filed with the Potkapaali police station. The case was pending at the end of the reporting period.

There was continued concern about the Gujarat government's failure to arrest those responsible for the communal violence in 2002 that killed over 1,200 persons, a majority of which were Muslim. Media reports indicated some Muslims still feared repercussions from Hindu neighbors as they waited for the court cases to be resolved.

The Gujarat government appointed the Nanavati-Mehta Commission in 2002 to investigate the violence. The term of the commission was extended for the 14th time with the final report on the 2002 Gujarat communal violence now due on December 31, 2010. Several victims have accused the Special Investigation Team (SIT), appointed by the Supreme Court in March 2008, of pressuring them to dilute their earlier testimony before the Nanavati-Mehta Commission. In many of the cases tried in Gujarat's lower courts, the accused were acquitted due to lack of evidence or changes in testimony.

By the end of January, the Gujarat government had paid additional compensation to the next of kin to all victims, including those of 228 missing persons declared dead in February 2009. However, the amount disbursed to persons was disputed between the state and central governments. A case filed by an NGO for full housing compensation was pending in the Gujarat High Court at the end of the reporting period.

During the reporting period, Citizens for Justice and Peace (CJP), a group advocating for justice for victims of the 2002 violence, raised doubts about the work of the SIT investigate 10 major cases. Several victims voiced concern that the SIT intimidated eye witnesses and produced counter witnesses to foil the prosecution. On February 9 the Supreme Court appointed the country's additional Solicitor General Gopal Subramanian to study the SIT reports. On February 25 the public prosecutor in the Gulberg case resigned, citing a lack of cooperation from the SIT in bringing the perpetrators to justice. On March 15 the Supreme Court halted the trial in the Gulberg case after allegations of SIT bias in favor of the alleged perpetrators and also ruled that other special trial courts would not pronounce judgments in the other cases until the Supreme Court gave its verdict about the SIT. On April 6 the Supreme Court ordered the removal of two high level officers from the SIT and, on May 14, ordered the appointment of two new officers to the SIT.

On March 27, at the request of the Supreme Court, the SIT questioned Gujarat Chief Minister Narendra Modi regarding the complaint filed by Zakia Jafri, a survivor of the Gulberg Society killings who had tried since 2006 to register a complaint

against Modi and 60 other high level state officials for their alleged role in the violence. The SIT submitted its final report on the Jafri complaint to the Supreme Court on May 14. The contents of the report have not been released to the public.

In 2007 the newsweekly *Tehelka* published secretly recorded interviews in which many of the accused admitted their roles as well as police and BJP leadership complicity in the 2002 violence. In 2008 the NHRC requested an inquiry by the CBI into the *Tehelka* tapes; the CBI concluded in November 2009 that the tapes were authentic. The media reported the conclusion that the tapes were genuine and, on March 22, *Tehelka* and Citizens for Justice and Peace released the authenticated tapes in the public domain.

Hundreds of other court cases stemming from the 2002 violence (which were not in the purview of the SIT) remained unsettled.

On November 3, 2009, without any prior notice, local authorities in Gujarat razed several homes of the 2002 riot victims rebuilt by NGOs in the Chandola Lake area. Acting Gujarat High Court Chief Justice M.S. Shah directed the municipal commissioner and police commissioner of Ahmedabad to give a detailed explanation of their actions to the court.

The situation for many persons displaced by the 2002 violence remained unchanged. The NGO Center for Social Justice, which carried out the initial survey in 2005 of the families for NHRC, recently confirmed that the situation in the camps was essentially unchanged: over 4,300 Muslim families (between 25,000 and 30,000 individuals) were still internally displaced and living in makeshift camps with inadequate infrastructure. Muslims in the camps told the NHRC they feared retaliation by Hindu neighbors if they returned to their villages. They also feared Hindu neighbors would pressure them to withdraw their complaints filed in connection with the 2002 violence. The NGO also recently confirmed many poor families in the camps still had not received government food subsidy cards.

At the end of the reporting period, more than 80 Muslims accused in the Godhra train-burning case remained in jail despite various rulings by the central government's Prevention of Terrorist Activities Act (POTA) Review Committee and the Gujarat High Court that POTA charges against them should be dropped, and that they should be granted bail. The bail issue was being litigated in the Supreme Court at the end of the reporting period.

Daily trials in eight high profile cases that the Supreme Court had ordered in May 2009 began by July 2009. Barring the Gulberg case, the trials were continuing at the end of the reporting period. Former Gujarat BJP minister Maya Kodnani, and VHP leader Jaydeep Patel were accused in the high profile Naroda Patia case. After the SIT arrested them in March 2009, they secured bail in May 2009.

In March 2006 the commission appointed by the Indian Railways, the Justice Banerjee Commission, concluded that the Godhra train incident, which sparked the 2002 Gujarat violence, was an accident. In September 2008 the Nanavati-Mehta Commission concluded that the Godhra incident was a conspiracy. At the end of the reporting period, the Supreme Court had not ruled on the dispute between the Indian Railways and the Gujarat government about the release of the Banerjee report to the public.

On May 4 the Delhi Additional Sessions Court accepted the Central Bureau of Investigation (CBI)'s request for criminal proceedings against Congress Party leader Sajjan Kumar and five others for their alleged role in the 1984 anti-Sikh riots. On April 27 the Delhi Metropolitan Court closed all cases against Congress Party leader Jagdish Tytler for lack of sufficient evidence; however, an appeal has been made to the Supreme Court.

According to the Ministry of Home Affairs annual report for 2009-10, at the end of the reporting period, 34,878 Pandit (Hindu) families from Jammu and Kashmir were living in 12 refugee camps in Jammu, 19,338 families were in Delhi's 14 camps, and the remaining displaced families were scattered across the country. There were 57,863 Kashmiri families

living under displaced conditions. Kashmir has been free of major religious-based violence for several years, and mainstream media reports that after 20 years, Kashmiri Pandit families were slowly returning to the area.

Forced Religious Conversion

There were unconfirmed reports of forced religious conversion.

Authorities in some states arrested Christians under state level "anticonversion" laws during the reporting period for allegedly engaging in conversions by force, allurement, or fraud. Authorities granted bail to those charged, and there were no reports of convictions under these laws during the reporting period. Hindu nationalist organizations frequently alleged that Christian missionaries lured low caste Hindus in impoverished areas with offers of free education and health care, and these organizations equated such actions with forced conversions. Christians claimed that low caste Hindus converted of their own free will and that efforts by Hindu groups to "reconvert" these new Christians to Hinduism were accompanied by offers of remuneration and thus fraudulent.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

There were no reports of attacks against the Hindu community in Jammu and Kashmir by rebel forces, foreign forces, or terrorist organizations during the reporting period.

On March 27 the Jammu and Kashmir government told the state assembly that 170 Hindu temples had been damaged by militants in the valley in the past 20 years. Ninety temples have been renovated, and the government has allocated funds for the renovation of other temples.

On November 26, 2008, 10 terrorists carried out coordinated attacks across Mumbai over the course of three days and killed 173 persons, including several foreigners. The terrorists attacked luxury hotels, a crowded railway station, a Jewish center, a hospital, and restaurants. Mohammed Ajmal Amir Kasab, the only terrorist captured alive, disclosed that the attackers belonged to the terrorist organization Lashkar e-Tayyiba (LeT). On May 3 a court found Kasab guilty of murdering seven persons, abetting the murder of 159, engaging in conspiracy, and waging war against the country. On May 6 Kasab was sentenced to death. The court exonerated two defendants accused of providing logistical support to the LeT terrorists. According to the law, the death penalty by a lower court has to be approved by the state high court. At the end of the reporting period, this process had not started.

On February 13 terrorists remotely exploded an IED at a popular foreign bakery in Pune, Maharashtra, which killed 11 persons, including two foreigners, and wounded 59.

On October 16, 2009, two alleged members of a Hindu right-wing organization "Sanatan Sanstha" died when an IED they were transporting on a motorcycle exploded in Madgaon, Goa. The police defused another IED spotted by a citizen in a nearby town the same evening. The members allegedly planned to detonate bombs during a large Hindu festival.

Improvements and Positive Developments in Respect for Religious Freedom

The Andhra Pradesh government has allocated approximately \$5.89 million (264 million Rupees) for the Andhra Pradesh Christian Finance Corporation, which was initiated in 2008 to assist the Christians in the state on educational and economic development.

On March 23 the Gujarat High Court directed the state government to resolve the issue of restoring destroyed or damaged mosques and dargahs (tombs of Muslim religious saints) following the 2002 Gujarat riots. The Islamic Relief Committee of Gujarat had filed the petition originally in 2003 with the High Court.

On February 4 Justice Somasekara's commission, which was constituted by the state government following the attacks in 2008 on churches in Mangalore, Karnataka, submitted its interim report. The commission suggested it is the responsibility of the government to ensure protection to all religions and their institutions, especially to minority religions.

On September 11, 2009, two Supreme Court justices ordered a Christian-run school receiving government funds in Ujjain, MP, to readmit temporarily a Muslim student pending a decision in his appeal. The school had asked the student to leave in 2008 due to his refusal to shave his beard.

On August 27, 2009, the central government announced an increase of \$32 million (1.4 billion Rupees) to the National Minorities Development Finance Corporation (NMDFC) for funding programs for minority welfare.

On August 8, 2009, the Ministry of Minority Affairs informed the parliament that the state minority commissions had been constituted in 15 of 28 states. The NCM recommended that all state governments set up such commissions.

On July 9, 2009, the Ministry of Minority Affairs informed the parliament about the prime minister's New 15 Point Program for the Welfare of Minorities to provide special consideration to minorities in recruitment in all sectors of government employment. It mandated there must be one minority member on selection committees for making recruitments of 10 or more vacancies. In 2008-09 4,479 persons from minority communities were recruited by 32 ministries and department organizations.

The National Foundation for Communal Harmony (NFCH), an autonomous body under the Ministry of Home Affairs, continued to provide assistance for the physical and psychological rehabilitation of child victims of communal, caste, ethnic, or terrorist violence. The NFCH also promoted communal harmony, fraternity, and national integration by providing financial assistance to minority children and giving grants to states to hold events that promoted communal harmony. The NFCH granted scholarships; fellowships; and annual awards to individuals, organizations, and student unions that reflected a secular image and promoted harmony. According to the Ministry of Home Affairs Annual Report 2009-10, the NFCH extended financial assistance to 10,073 minority children.

The NHRC and NCM continued to promote freedom of religion during the reporting period. Through their annual reports and investigations, they focused attention on human rights problems and, where possible, encouraged judicial resolutions.

Section III. Status of Societal Respect for Religious Freedom

There were instances of societal discrimination and violence based in whole or in part on religious affiliation. Many incidents were linked to politics, conversion, retaliation, or economic competition among religious communities for scarce resources. According to the Ministry of Home Affairs' 2009-10 Annual Report there were 826 instances of communal violence or violence along religious lines, in which 125 persons were killed and 2,424 injured.

Efforts at ecumenical understanding brought religious leaders together to defuse religious tensions. Prominent leaders of all religious groups made public efforts to show respect for other religious groups by celebrating their holidays and attending social events such as weddings. Muslim groups protested against the mistreatment of Christians by Hindu extremists. Christian clergy and spokespersons for Christian organizations issued public statements condemning prior anti-Muslim violence in places such as Gujarat.

There were instances of religiously motivated violence and sectarian rioting, including mob violence or vigilante action. Faith-based media documented acts of vandalism against religious properties during the reporting period. In most cases police registered a complaint but made no arrests.

According to the Ministry of Home Affairs 2009-10 Annual Report, there were 76 incidents of Hindu-Christian violence in 2009, which resulted in two deaths and 44 injuries, compared to 44 deaths and 82 injuries in 2008.

Conversion of Hindus or members of lower castes to Christianity remained highly sensitive and occasionally resulted in assaults and/or arrests of Christians. Even so Christians often held large public prayer meetings without violence or protests. There were also instances of large scale "reconversion" ceremonies of Christians to Hinduism.

On December 21, 2009, the Hindu group "Shree Sampradaya" claimed that it reconverted 1,747 Christians to Hinduism in a mass ceremony in Surat, Gujarat. It is unknown whether the organizers sought prior permission from district authorities under the Gujarat "anticonversion" law.

On October 26, 2009, Swami Narendra Maharaj reconverted 6,000 Christians to Hinduism in Thane, Maharashtra.

According to All India Christian Council, attacks on Christians occurred in the states of Orissa, Chhattisgarh, Karnataka, Madhya Pradesh, and Maharashtra. In these incidents Christians alleged Hindu extremists, such as members from Dharma Sena or Dharm Raksha Sena (Religion Protection Army) (DRS), disrupted prayer meetings, destroyed or damaged places of worship, vandalized property, assaulted pastors and lay persons, confiscated and destroyed religious material, and attempted to intimidate Christians from attending religious services.

There were also reported incidents in which police arrested Christians assaulted by others rather than arresting the attackers. In Chhattisgarh, Karnataka, Madhya Pradesh, Maharashtra, and Orissa, Christians claimed that authorities filed false charges of conversion by force and allurement; the police were biased in registering complaints, doing so promptly only when the accused was a Christian.

On April 18 the body of Pastor Amit Gilbert was found in a well in the Salaiya village of Betul district, Madhya Pradesh. Eyewitnesses said that assailants from two Hindu extremist groups, the Dharam Sena and the Bajrang Dal, chased and beat the pastor. Local Christian groups believed he was murdered before being thrown into the well. On April 19 the local police arrested nine Hindu youths for attacking the pastor. The nine youths received bail several days later.

On April 14 and 15, Bajrang Dal extremists and local BJP party workers attacked a three-day gospel meeting in Balaghat, Madhya Pradesh. The event was attended by over 10,000 persons. On April 14 Bajrang Dal members threw two gasoline bombs into the meeting, despite the presence of police. There were no injuries. On the following day, Hindu extremists attacked the quarters where many of the Christians were staying. After police arrested 23 members of the Bajrang Dal, including eight leaders of the group, local BJP workers staged large protests. The local administration imposed a curfew until April 17.

On April 4 Hindu nationalists from the Bajrang Dal and Vishwa Hindu Parishad (World Hindu Council) disrupted Easter Sunday worship of the Church of North India in Bilaspur, Chhattisgarh, and accused the pastor Bhaktu Lakda and others of forceful conversion. The Evangelical Fellowship of India reported that the extremists destroyed Christian pictures, seized Bibles and other gospel literature, and beat the Christians. Police arrived and made an inquiry, but they made no arrests. On December 13, 2009, a mob of Hindu extremists gathered in front of the same church and tried to force Christians to bow before Hindu gods and to sprinkle Hindu holy water on them. Police intervened and broke up the mob.

On March 11 a group of Hindus led a procession to Saint Vincent's Cathedral in Satna, Madhya Pradesh, and shouted anti-Christian slogans. The police prevented them from entering the premises. According to local media, Hindu organizations had threatened to enter churches and symbolically burn effigies of church leaders to protest conversions. On March 9 a Christian man filed a complaint of forced conversion against prominent church leaders in Satna, including the bishop, for

an alleged conversion of a woman before her marriage in May 2009. According to police they had already investigated the incident in May 2009 and concluded that there was no conversion.

On February 18, 10 persons forcefully entered the office of a Protestant school in Jabalpur, Madhya Pradesh, and vandalized school property. They attempted to assault teachers but departed when other school staff arrived. The intruders carried stones and baseball bats. The police registered a complaint but made no arrests. On February 19 all Christian-operated schools in the city closed for a day to protest the attack on the Protestant school.

On February 5 a local Hindu leader allegedly abducted, raped, and tried to burn to death a tribal Christian teacher visiting her parents in a village in Jhabua district, Madhya Pradesh. Local police registered a complaint under the Prevention of Atrocities against SC/STs Act and arrested the leader.

CSW reported that on January 16, 2010, in Gunpula village, Karimnagar, six masked persons physically assaulted Pastor Yakobu Jacob from India Mission, shaving his head and burning his possessions. Police investigated the case, but no known convictions have been made.

CSW reported that on January 2, 2010, in Malebennur village, Davangere district, the house church of Pastor Gangadhar was burned down. The family escaped unhurt, but their belongings were destroyed. The police have made one arrest and are providing the pastor with protection.

On December 20, 2009, four Hindus attacked a Christmas festival in Gwalior, Madhya Pradesh, and reportedly damaged religious art. Police arrested and subsequently released on bail one of the four assailants named by the festival organizers. There were several other reports of violence against Christians in Maharashtra. On December 20, 2009, in Manchar, in Pune district of Maharashtra state approximately 100 extremists from the Bajrang Dal threatened and stole film equipment from a group of evangelical workers. On December 5 in the Pune district, Hindu extremists assaulted the manager and principal of a Christian-run school.

On October 5, 2009, in the Pipal Khota Choti village of Madhya Pradesh, six Bajrang Dal workers attacked a pastor as he was returning from a prayer meeting, causing serious injuries. Police arrested one attacker but released him two days later on bail.

On October 4, 2009, a group of Hindu extremists beat a pastor in Malphalia, Madhya Pradesh, after accusing him of converting them. Church members attempted to file a FIR with the local police afterwards, but their complaint was dismissed, although the pastor was able to file an FIR against the assailants. The case was still pending at the end of the reporting period.

CSW reported that on September 10, 2009, approximately 20 RSS and Rama Sena extremists forcibly entered the house where Pastor Ramanjaniah was praying in the evening. They physically assaulted him, paraded him around the village, and confiscated Christian literature. Locals reported the incident to police, who quickly intervened and questioned both parties. The police released the pastor that night and promised him protection.

On July 26, 2009, approximately 40 Hindu extremists from the Dharam Sena (Hindu Religious Army) attacked an institution that cared for mentally handicapped individuals, located in a church in Jabalpur, Madhya Pradesh. The assailants had earlier filed a complaint against the church for alleged forceful conversion. The police reached the premises before the perpetrators did much damage, provided protection for the church, and promised to provide security in the future.

The Evangelical Fellowship of India reported that on July 11, 2009, Hindu extremists, allegedly of the VHP and the Bajrang Dal, attacked a school principal (an ordained priest) in Dahod Gujarat and desecrated a religious grotto on the

school premises. The extremists were allegedly protesting because some teachers had asked Hindu students to remove henna tattoos from their arms.

There was violence in August 2008 in Orissa after individuals affiliated with left-wing Maoist extremists killed a Hindu religious leader in Kandhamal, the country's poorest district. The Orissa state government has subsequently ensured law and order in Kandhamal district by promoting reconciliation, rehabilitation, and justice, and ensuring a visible administrative, police, and civil society presence. Two fast-track courts, established in March 2009, have tried more than 120 of the 800 registered cases. Verdicts have been announced in 63 cases with 100 convictions and 300 acquittals. All stakeholders acknowledged and appreciated the lack of further violence, but some lamented the pace of the country's judicial system.

Since the reelection of the BJD (Biju Janata Dal) in 2009, the state government has worked with the central government to rebuild communities in Kandhamal both through infrastructure improvements and peace councils with various stakeholders. In June 2009 the central government disbursed \$300,000 (14,648,437 Rupees) compensation to the next of kin of 35 Kandhamal riot victims. On February 27 the state announced a new Web site to publicize the rehabilitation measures taken for victims of the communal riots. The government hoped the Web site will encourage the riot affected victims living outside the district to return to their villages.

There were also instances of Hindu-Muslim clashes or communal violence during the reporting period. According to the Ministry of Home Affairs 2009-10 Annual Report, there were 750 incidents of Hindu-Muslim violence throughout the country in 2009 resulting in 123 deaths and 2,380 injuries, compared with 656 incidents, including four riots, in 2008 resulting in 123 deaths and 2,272 injuries.

The Mumbai based Center for the Study of Society and Secularism (CSSS) published a report on Hindu-Muslim violence in 2009 compiled from mainstream and faith-based media reports. According to CSSS during 2009, 23 persons lost their lives and 73 persons were injured in Hindu-Muslim clashes in Uttar Pradesh, Bihar, Maharashtra, Rajasthan, Karnataka, Madhya Pradesh, Assam, and Gujarat. The report noted there were no Hindu-Muslim clashes in West Bengal, Chhattisgarh, Jharkhand, Orissa, Andhra Pradesh, Tamil Nadu, and Kerala. The remaining 13 states were not included in the report.

On May 24, 2010, Hindu-Muslim violence ensued in Shahapur, Ahmedabad, allegedly after a Hindu marriage procession played loud music while passing in front of a mosque. One Hindu died of knife wounds on May 27 and his funeral prompted further fighting. Shops in the area remained closed May 25 to 27. Four other persons (Hindus and Muslims) were injured in stone-throwing, stabbing, and by police firing weapons. Rioters burned several shops and vehicles. Police moved extra forces to the area, imposed curfew and established a response cell to monitor the situation. The violence ended by May 28.

On March 27 clashes between Hindus and Muslims resulted in one death and nearly 80 injured in Hyderabad. The violence began when green flags belonging to Muslims, put up for a Muslim religious event a month before, were replaced by Hindus in preparation for a Hindu festival. Police imposed a curfew and arrested nearly 100 persons for their role in the riots. This was the worst communal violence in Hyderabad in two decades.

On September 23 in Jaisalmer, Rajasthan, one person was killed and 10 persons injured in rioting when Muslims resisted the local administration's attempts to demolish a disputed religious structure. Rioters burned a dozen shops, four vehicles, and ransacked two government offices.

From September 7 to 9, 2009, Hindu-Muslim clashes occurred in four cities and 25 surrounding villages in Maharashtra, during part of the 10-day Hindu festival of Ganesh Chaturthi. The tension started over the display of a picture of a famous

Maratha king killing a Mughal general. Approximately 350 persons, both Hindu and Muslims, were arrested and later released. Rioters burned several shops and vehicles, and one person died when police fired at rioters.

On August 17, 2009, a clash between Hindus and Muslims injured 19 persons in Ahmedabad, Gujarat. Clashes started because of the alleged desecration of a Hindu idol and the playing of loud music in front of a mosque during a Hindu procession.

On July 26 extremists from the Hindu groups VHP and Bajrang Dal stormed a church in Bhopal, Madhya Pradesh. They claimed that conversions were taking place. The church secretary filed a counter-complaint against the assailants for disrupting the Sunday service. The police investigated the complaints from both sides.

On July 3, 2009, clashes between Hindus and Muslims killed three persons in Mysore, Karnataka. The clash started over rumors of desecration of a madrassah (Islamic school).

Although the constitution bans discrimination based on caste, the practice remained prevalent, especially in rural areas, where it affects low-caste Muslim, Christian, Hindu, Buddhist, and Sikhs. Some Scheduled Caste members who sought to convert from a desire to escape discrimination and violence met hostility and a backlash from upper castes.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The embassy and consulates continued to promote religious freedom through discussions with the country's senior leadership as well as with state and local officials. In addition U.S. government officials also regularly met with civil society activists and religious leaders and reported on events and trends that affect religious freedom.

The U.S. ambassador engaged with the chief minister of Orissa in April 2010, and a staff member of the consulate general in Kolkata visited Kandhamal in August 2009 to see firsthand the progress being made to promote intercommunity dialogue through peace committees. The ambassador also met with members of the India Coalition, a group of U.S. advocacy groups, church organizations, and relief agencies, to discuss communal violence and religious freedom.

The U.S. government supported a wide range of initiatives to encourage religious and communal tolerance and freedom. Members of the embassy community celebrated Hindu, Muslim, Christian, Sikh, Buddhist, and Jewish festivals throughout the reporting period with members of the various religious communities. The embassy and consulates also hosted and attended Iftars (dinners during the Islamic holy month of Ramadan). Mission officers met regularly with religious leaders to learn more about their beliefs and their relationships with other religious communities.

Throughout the reporting period, mission officers investigated and reported on cases of alleged religious persecution, ongoing cases in Gujarat, rehabilitation of Christians affected by the Orissa violence, discrimination against Dalits, and religiously motivated attacks by militants, terrorists, and others.

Mission officers also monitored the plight of internally displaced Kashmiri Hindus known as Pandits, who fled their homes in Kashmir starting in 1989 due to attacks by terrorists seeking to drive out non-Muslims.

Embassy officers regularly met with commissioners from the NHRC and NCM regarding actions by the state government that affected the free exercise of belief by religious minorities.

Ambassador Michael Kozak, senior advisor to the Bureau of Democracy, Human Rights, and Labor hosted a round-table with Indian Civil Society Leaders in New Delhi to discuss the UN resolution on "defamation" of religions.

Farah Pandith, Special Representative to Muslim Communities, visited New Delhi to speak on "Muslim Life in the U.S." and engaged with 140 Muslim students and faculty at the country's premier Muslim university, Jamia Millia Islamia. She was also a guest at the India Islamic Cultural Center, where she spoke about the U.S. government's commitment to engage Muslims throughout the world. While in New Delhi, she also hosted a round-table with Muslim journalists to discuss the U.S. government's vision, focusing on U.S. policy and plans for engaging with Muslim countries and the challenges faced by U.S. Muslims. In addition she visited Mumbai to discuss "U.S. Muslim Relations" with students and faculty from Muslim-majority Burhani College of Arts and Commerce. She spoke to editors, journalists, and bloggers from Mumbai's Urdu and English language press. She also hosted two round-table events in Mumbai; one with key Muslim women leaders in Mumbai to discuss the issues and challenges facing Muslim women and youth in India, and one with key Muslim religious and community leaders to discuss the views and concerns of the local leaders and the U.S. commitment to building trust and partnership with Muslims around the world.

Consulate Mumbai officials visited the Jamia Mansoorah madrasah in Malegaon, interacting with principals, faculty members, and students to discuss American values of freedom of religion, religious diversity, multiculturalism, democracy, and the significance of religious education in the U.S.

He interacted with different faith groups and prominent religious leaders on the importance of interfaith dialogue and grassroots level interventions. He discussed the role of religious leaders in guiding youth, interfaith partnerships in America, and the relevance of interfaith dialogue in promoting social cohesion, and religious and cultural diversity.

During the reporting period, embassy and consulate officials met with leaders of all significant religious minority communities to discuss religious freedom concerns. Embassy and consulate officials continue to engage Muslim religious and community leaders of a variety of sects (Sunni, Shi'a, Bohra, Khoja, Deobandi, Barelvi, and Salafi) on a regular basis through speaker programs. Consulate Mumbai's speaker's program, "Muslim Life in America," has been in place since December 2003. Mission officers met regularly with local NGOs actively engaged on religious freedom issues.

Consulate Mumbai annually participates in the U.S.-funded Seeds of Peace—a South Asia program which brings together high school students from India, Pakistan, and Afghanistan for a three-week camp in Maine to discuss reconciliation and coexistence in conflict situations. There are now approximately 100 active alumni in Mumbai.

Consulate and senior embassy officers continued to express concern over the slow pace of bringing the perpetrators of the anti-Muslim violence in Gujarat in 2002 to justice. Embassy and consular officials reached out to madrasahs directly and through special International Visitor Leadership Programs to engage on topics such as religious freedom, tolerance, and respect for diversity.

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